

REMARKS

The Examiner objected to Claims 25 and 30 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Accordingly, Applicants have rewritten claims 25 and 30 in independent form including all of the limitations of the base claim.

The Examiner rejected claims 1-6, 9, 20-24 and 26-29 under 35 U.S.C. §102(e) as allegedly being anticipated by Takubo *et al.* (US 6,329,610).

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takubo *et al.* (US 6,329,610) in view of Sasaoka *et al.* (US 6,010,769).

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takubo *et al.* (US 6,329,610) in view of Kawasaki (US 5,372,666).

Applicants respectfully traverse the §102 and §103 rejections with the following arguments.

35 U.S.C. §102

The Examiner rejected claims 1-6, 9, 20-24 and 26-29 under 35 U.S.C. §102(c) as allegedly being anticipated by Takubo *et al.* (US 6,329,610).

Applicants respectfully contend that Takubo does not anticipate claims 1 and 20, because Takubo does not teach each and every feature of claim 1. For example, claims 1 and 20 do not teach the feature of: "a mass of a single conductive material forming a layer upon the selected area of the top surface of the second metal layer".

The Examiner has identified the material 33 in Fig. 3 of Takubo as the mass of a single conductive material of claims 1 and 30. The Examiner has also identified layer 13a in Fig. 3 of Takubo as the second metal layer of claims 1 and 30. The Examiner has also identified "the area around the through hole" in FIG. 3 of Takubo as the selected area of the top surface of the second metal layer of claims 1 and 30. Since no through hole exists in FIG. 3 of Takubo, however, Applicants respectfully contend that the Examiner has not presented an argument that can be understood. Therefore, Applicants contend that the rejection of claims 1 and 20 are improper.

Using the Examiner's identification of the material 33 in Fig. 3 of Takubo as the mass of a single conductive material of claims 1 and 30, and layer 13a in Fig. 3 of Takubo as the second metal layer of claims 1 and 30, Applicants next explain why Takubo does not teach the preceding feature of claims 1 and 20. Appendix A herein shows FIG. 3 of Takubo with the addition of reference numeral 99 to identify the top surface of the second metal layer 13a. Applicants contend that no other surface of the second metal layer 13a could be reasonably deemed to be a top surface of the second metal layer 13a. Noting that the language of claims 1 and 20 require

the "selected area" to be comprised by said top surface 99 of the second metal layer 13a, it is clear from FIG. 3 of Takubo that the material 33 does not form a layer upon the selected area of the top surface 99.

Based on the preceding arguments, Applicants respectfully maintain that Takubo does not anticipate claims 1 and 20, and that claims 1 and 20 are in condition for allowance. Since claims 2-9 and 26-29 depend from claim 1, Applicants respectfully contend that claims 2-9 and 26-29 are likewise in condition for allowance. Since claims 21-24 depend from claim 20, Applicants respectfully contend that claims 21-24 are likewise in condition for allowance.

35 U.S.C. §103

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takubo et al. (US 6,329,610) in view of Sasaoka et al. (US 6,010,769). The Examiner rejected claim 8 under 35 U.S.C. §103(a) as allegedly being unpatentable over Takubo et al. (US 6,329,610) in view of Kawasaki (US 5,372,666).

Since claims 7-8 depend from claim 1, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102, Applicants maintain that claims 7-8 are not unpatentable under 35 U.S.C. §103(a).

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and credit Deposit Account No. 09-0457 (IBM).

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